Negotiations – Tribal Water Rights

The Fort Hall agreement, signed by the federal government, the state of Idaho, and the Shoshone-Bannock Tribe, subordinates tribal water rights to existing, up-stream water rights. The Snake River Basin Adjudication nominally allocated 45,000 acre-feet of water annually to the Tribe with the understanding that that figure would be adjusted at a later date. Subsequently, the Tribes protested upstream water rights, and the court assigned a team of technical experts to determine the proper allocation.

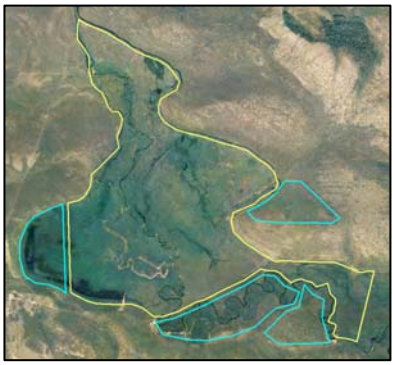
The team concluded that the consumptive irrigation requirement (the amount of water above what is naturally available to grow a crop) in the upper Blackfoot Basin was 2.5 acre-feet/acre. When the team's consumptive irrigation requirement is applied to all the irrigated acres in the basin, water users would be required to deliver to the Tribe an additional 11,000 acre-feet of water over the original 45,000 acre-feet.

The upper Snake River Basin has no unallocated storage water so 11,000 acre-feet are not available. The two options for increasing the available water are 1) curtail existing irrigation, or 2) increase storage. Curtailment means ruin for the farmers being curtailed, and increasing surface water storage will require raising the height of Minidoka dam to add 50,000 acre-feet of storage at a cost of $200 million, or $4,000 per acre-foot.

Minidoka Dam on the Snake River

IDWR felt that a consumptive irrigation requirement of 2.5 acre-feet/a was too high for the Blackfoot Basin, and used the METRIC ET model to compare the actual ET from irrigated fields with the actual ET from adjacent, unirrigated fields. The difference between the 2 groups, which is the consumptive irrigation requirement, was only 0.5 AF/acre, not 2.5 acre-feet/acre. The difference, when applied to the irrigated land in the upper Blackfoot Basin, translates to 9,000 fewer acre-feet per year that water users in the basin would need to deliver to the Tribe.

At $4,000 per acre-foot, the cost of increasing storage, 9,000 acre-feet of water are worth $36 million. The METRIC ET data are being used to negotiate a more realistic consumptive irrigation requirement. Those negotiations will prevent extreme hardship to farmers who otherwise would be forced into bankruptcy.



Areas in the Blackfoot Basin analyzed. Existing water rights are outlined in yellow, adjacent natural fields are outlined in blue.